



COPY OF PAPER  
ORIGINAL FILED

PATENT  
Attorney Docket No.: DIVER1490-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Swanson et al  
Application No.: 10/029,120  
Filed: December 21, 2001  
Title: NUCLEIC ACIDS AND PROTEINS FROM CENARCHAEUM SYMBIOSUM

Art Unit: 1631  
Examiner: - Unassigned

#5

BOX MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed April 11, 2002,  
enclosed are:

1. A copy of the Notice to File Missing Parts of Application (2 pages);
2. An executed Declaration For Patent Application, copied from parent application (Serial No. 09/408,020) (7 pages);
3. Substitute Drawings (6 sheets);
4. Request for Correction of Filing Receipt (4 pages);
5. Change of Attorney Address (1 page);
6. Check number 507901 in the amount of \$477.00; and
7. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on May 6, 2002, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231

*Karen DePari*  
Karen LePari

In re Application of:  
Swanson et al  
Application No.: 10/029,120  
Filed: December 21, 2001  
Page 2

PATENT  
Atty Docket No.: DIVER1490-2

Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

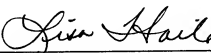
The filing fee has been calculated as follows.

	Number Filed		Number Extra		Rate		Fee	
					Large Entity	Small Entity	Small Entity	Large Entity
Total Claims	8 - 20	=	0	X	\$	\$09	= \$ 0.00	\$ 0.00
Independent Claims	4 - 3	=	1	X	\$	\$42	= \$42.00	\$ 0.00
Multiple Dependent Claims Presented: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					\$	\$140	\$0.00	
					BASIC FEE		\$370.00	\$ 0.00
					TOTAL FEE		\$412.00	\$ 0.00

XX Enclosed is a check in the amount of \$477.00 which includes \$412.00 as filing fee and \$65.00 as payment for the surcharge fee for missing parts of the application. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: May 6, 2002



Lisa A. Haile, J.D., Ph.D.  
Registration No.: 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
USPTO Customer Number 28213



COPY OF PAPERS  
ORIGINAL FILED

PATENT

Attorney Docket No.: DIVER1490-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Swanson et al  
Application No.: 10/029,120  
Filed: December 21, 2001  
Title: NUCLEIC ACIDS AND PROTEINS FROM CENARCHAEUM SYMBIOSUM

Art Unit: 1631  
Examiner: Unassigned

**BOX MISSING PARTS**  
Commissioner for Patents  
Washington, D.C. 20231

**REQUEST FOR CORRECTION OF FILING RECEIPT**

Sir:

This Communication is submitted to request correction of the filing receipt in reference to the above-identified application. The data requiring correction is indicated in yellow highlight on the attached copy of the filing receipt and herein in **BOLD**.

Please add to the **ATTORNEY DOCKET NUMBER** as follows:

**DIVER1490-2**

Applicants accordingly request the correction be made of record and a corrected filing receipt be issued.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on May 6, 2002, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231

*Karen LePari*

Karen LePari

In re Application of:  
Swanson et al.  
Application No.: 10/029,120  
Filed: December 21, 2001  
Page 2

PATENT  
Atty Docket No.: DIVER1490-2

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: May 6, 2002



\_\_\_\_\_  
Lisa A. Haile, J.D., Ph.D.  
Registration No.: 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
USPTO Customer Number 28213

APR 16 2002

GRAYCARY/TELUS  
UNITED STATES PATENT AND TRADEMARK OFFICECOMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/029,120	12/21/2001	1631	0.00	Diver 1440-2	6	8	4

CONFIRMATION NO. 3339

28213

GARY CARY WARE & FRIENDENRICH LLP  
4365 EXECUTIVE DRIVE  
SUITE 1600  
SAN DIEGO, CA 92121-2189

FILING RECEIPT



\*OC00000007845382\*

COPY OF PAPERS  
ORIGINALLY FILED

Date Mailed: 04/11/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Ronald Swanson, Del Mar, CA;  
Robert A. Feldman, Santa Cruz, CA;  
Christa Schepler, Darmstadt, GERMANY;  
Edward F. DeLong, Monterey, CA;  
Christina M. Preston, Pacific Grove, CA;

**Assignment For Published Patent Application**

Diversa Corporation, San Diego, CA;

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A DIV OF 09/408,020 09/29/1999  
WHICH CLAIMS BENEFIT OF 60/102,294 09/29/1998

**Foreign Applications**

If Required, Foreign Filing License Granted 04/10/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

Nucleic acids and proteins from cenarchaeum symbiosum

**Preliminary Class**

435

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/029,120	12/21/2001	Ronald Swanson	

28213  
GARY CARY WARE & FRIENDENRICH LLP  
4365 EXECUTIVE DRIVE  
SUITE 1600  
SAN DIEGO, CA 92121-2189



CONFIRMATION NO. 3339

## FORMALITIES LETTER



\*0000000007845384\*

Date Mailed: 04/11/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$42.
  - \$42 for 1 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 477.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

05/16/2002 BABRSHAI 00000106 10029120

01 FC:201	370.00 DP
02 FC:205	65.00 DP
03 FC:202	42.00 DP

10029120-051402

A copy of this notice MUST be returned with the reply.

M. Maraf  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10029120-051402  
2047150-0216200